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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2021/2022

UHL2612 – HUMAN RIGHTS LAW

(All Sections / Groups)

27 APRIL 2022

Reading Time : 9.15 a.m. – 9.30 a.m.

(15 Minutes)

Answering Time: 9.30 a.m. – 12.30 p.m.

(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE (3) HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. This Question paper consists of 2 sections. Attempt **TWO (2)** questions only in **Section A** and **ALL** questions in **Section B**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to refer to any relevant statutes, charters and conventions.
5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer TWO (2) Question only)**QUESTION 1**

Discuss the nature and principle of state obligations under the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR).

(Total : 25 marks)

QUESTION 2

Define people as group of individual and to what extent the criteria shared by Johan Rochel has an impact on the law of minorities.

(Total: 25 marks)

QUESTION 3

“Despite the controversial, there are some grounds for cultural relativists to fight for a culturally relative human rights doctrine. However, these grounds became irrelevant as we see many Asian states and leaders endangering human security by violating basic human and group rights in the name of ‘Asian values’, and trying to justify in the name of relativism.”

Discuss the Asian views on the Universal Human Rights and how they endanger human security in Asia.

(Total: 25 marks)

Continued...

SECTION B (Answer ALL questions)**QUESTION 4**

A license has been granted to Pfiver by the government of the State of Coronia to conduct mining and milling operations in the area occupied by the indigenous people of Viruvia known as Viruvians. The industry has brought a great deal of wealth to the State of Coronia. In 2022, the State of Coronia's new government decided to nationalize Pfiver. The offer was made in exchange for the promise that the government would allow them to stay in the area for more years to come, despite the government's plans to develop the area where they live. However, the majority of the Viruvians who accepted the offer were forced to work under poor conditions and were paid far less than the country's minimum wage. They were exposed to toxic and other hazardous materials in the course of their work, which had a negative impact on their health. Their newborns were also born with major health problems.

After learning of the Viruvians' treatment, a group of non-governmental organizations (NGOs) gathered information and evidence on any suspected human rights abuses. They published two postings on their official blog, but the postings were blocked across the country. The leader, Jackson, filed a police report regarding the inhumane treatment the Viruvians were receiving. The so-called Special Branch of the State of Coronia police force arrested him and some of the members who were then brought to an unknown place and severely abused for refusing to surrender evidence which they have been collecting for a few months.

The State of Coronia has ratified the 1966 International Covenant on Civil and Political Rights (ICCPR) and its First Optional Protocol as well as the 1987 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Analyze the breaches committed by the State of Coronia and make recommendations as to how such violations might be addressed under both Conventions.

(Total: 25 marks)

Continued...

QUESTION 5

Nadia Balqis, a well-known Muslim activist asserted that both men and women in Malaysia are entitled to equal rights and equal treatment before the law. Her Muslim followers have slammed her for making such a remark, as the remark goes against the teaching of Islamic law. Nadia Balqis backed up her claim with references to Articles 1 and 2 of the Universal Declaration of Human Rights (UDHR) and Article 3 of the International Covenant on Civil and Political Rights (ICCPR). She also expressed her dissatisfaction with Malaysia's reservation on Articles 16(1)(a), 16(1)(c), and 16(1)(g) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), claiming that equal rights for men and women are a universal human rights that should not be influenced by other factors such as culture, traditions or religions. Some Malaysian Muslims began to believe in her and advocated for her with the hashtag *#GiveWomenEqualRights*.

Critically discuss the following remark made by Nadia:

(a) The position of the international human rights treaties cited by Nadia Balqis within the Malaysian context.

(10 marks)

(b) The compatibility of the men and women's right to equality from the Islamic law perspective. Explain your answer with reference to the international human rights treaties within the Malaysian context.

(15 marks)

(Total : 25 marks)

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